

United States Court of Appeals for the Tenth Circuit

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September 14, 2001

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Re: 01-8073, Tobin v. Smithkline Beacham
Dist/Ag docket: 00-CV-25-Bea,

Dear Counsel:

This appeal was docketed today. Copies of the Tenth Circuit Rules, effective January 1, 1999, and the Federal Rules of Appellate Procedure, effective December 1, 1998, may be obtained by contacting this office or by visiting our website at www.ck10.uscourts.gov.

An attorney who files a notice of appeal has entered an appearance and may not withdraw without the court's permission. In direct criminal appeals, trial counsel is responsible for continuing representation whether or not counsel actually signed the notice of appeal. 10th Cir. R. 46.3(A). Generally, the court will not allow

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counsel to withdraw until the preliminary prosecution of the appeal has been completed; this includes: ordering necessary transcripts, filing a designation of record, if necessary, and filing a docketing statement.

Appellant must file a docketing statement within ten days of filing the notice of appeal. If no docketing statement has been filed, it must be filed within ten days of the date of this letter. Necessary transcripts must also be ordered within ten days. If no transcript is necessary, appellant must file a transcript order form that says no transcript will be ordered.

Enclosed is an entry of appearance form. Attorneys must complete and file this form within ten days of the date of this letter. 10th Cir. R. 46.1(A). Pro se parties must complete and file the form within thirty days of the date of this letter. Appellant's failure to enter an appearance may cause the appeal to be dismissed. An appellee who fails to enter an appearance may not receive notice or service of orders.

Appellant is not required to file a designation of record, but will be required to file an appendix with appellant's opening brief. See 10th Cir. R. 10.2(A) and 30.1.

Appellant must file an opening brief and appendix within 40 days after the date on which the district clerk notifies the parties and the circuit clerk that the record is complete for purposes of appeal. See 10th Cir. R. 31.1(A)(1). Motions for extensions of time to file briefs and appendixes are not favored and will not be granted unless they comply with 10th Cir. R. 27.3.

Briefs must satisfy all requirements of the Federal Rules of Appellate Procedure and Tenth Circuit Rules. See Fed. R. App. P. 28 and 32 and 10th Cir. R. 28.1, 28.2, 32.1 and 31.3 when applicable. An original and 7 copies of briefs must be filed. See 10th Cir. R. 31.5. Appendixes must satisfy the requirements of 10th Cir. R. 30.1(A) and 30.1(C) and 2 copies must be filed. See 10th Cir. R. 30.1(D).

Please contact this office if you have questions.

Sincerely,

PATRICK FISHER
Clerk

By: Steve Larson
Deputy Clerk

PF:sl

cc:

James E. Fitzgerald
A. G. McClintock
Paul R. Waldner III
Andy Vickery
Richard W. Ewing
Betty Griess, Clerk